

Amend Section 44-111.454 to read:

44-111      PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION      44-111  
AS INCOME (Continued)

.4      Exclusions or Exemptions of Other Payments and Income (Continued)

.45      Income In Kind (Continued)

.454      Provided by Private Nonprofit Organization

Any income in kind, whether a full or partial item of need, provided on the basis of need by a private nonprofit organization shall be exempt as income.

Private nonprofit organizations are religious, charitable, educational, or other organizations such as described in Section 501(c) of the Internal Revenue Code of 1954, which include but are not limited to the Salvation Army, Red Cross, and churches. (Actual tax exempt certification by IRS is not necessary.)  
~~Exemption: Any assistance provided by Voluntary Resettlement Agencies (VOLAG) as part of their resettlement responsibilities must be considered in determining the refugee's eligibility for aid under the Refugee Demonstration Project (RDP) or Refugee Cash Assistance (RCA) program.~~

.46      (Continued)

Authority Cited: Sections 10553, ~~and~~ 10554, and 45 CFR 400.59(d), Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11008.15, 11280, 11322.6(f)(3), 11157 (Ch. 439, Stats. of 2002), 11450.12, 11451.5, and 11451.7, Welfare and Institutions Code; 42 USC Section 602(g)(1)(E)(i); Section 8, Public Law 93-134; Section 2, Public Law 98-64; Section 13736, Public Law 103-66; Section 1, Public Law 100-286, Section 202(a), Public Law 100-485 and 20 USC 1087uu; 45 CFR 233.20(a)(3)(iv)(B), (a)(3)(xxi), 45 CFR 233.20(a)(4)(ii); (a)(4)(ii)(d); 45 CFR 233.20(a)(4)(ii)(p) and (q); 45 CFR 233.20(a)(11)(v)(C); 45 CFR 255.3(f)(1); 45 CFR 401.12; Federal Action Transmittals ACF-AT-94-27 and 94-4 and FSA-IM-89-1.

Amend Section 44-211 to read:

44-211 SPECIAL NEEDS IN CALWORKS (Continued)

44-211

.3 Nonrecurring Special Need Payments

.31 A payment for a nonrecurring special need shall be granted to an eligible AU when any of the following conditions exist:

.312 Homelessness when the AU is seeking permanent housing. (See MPP 44-211.5.)

(a) ~~Refugee Cash Assistance (RCA) applicants/recipients are not eligible to receive AFDC homeless assistance as provided in MPP 44-211.5.~~

.32 (Continued)

Authority Cited: Sections 10553, 10554, 11209, and 11450(g), Welfare and Institutions Code; and Statutes of 1995, Chapter 307, Section 24 (AB 908).

Reference: Sections 11056, 11265.1, 11265.2, 11265.3, 11266(a)(2), 11271, 11272, 11273, and 11273(b), 11450(a)(1), (b), and (c), 11450(f)(2)(A)(i), 11450(f)(2)(C), 11450(f)(2)(E)(i), (ii) and (iii), 11450.5, 11452.018(a), and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(2)(v)(A), 45 CFR 234.11, 45 CFR 234.60, ~~and 45 CFR 234.60(a)(2)-(11), 45 CFR 400.52;~~ and 42 U.S.C.A., Section 606(b).

Amend Section 69-201.1 to read:

69-201      GENERAL STATEMENT

69-201

.1    These regulations implement the Federal Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980 (P.L. 96-212), federal regulations 45 CFR Part 400, and additional instructions issued by the Federal Office of Refugee Resettlement (ORR), in order to provide financial assistance, medical assistance and social services to all refugees in the United States regardless of national origin.

.2    (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference:        45 CFR 400 and 400.5.

Amend Section 69-202 to read:

69-202     ~~IMMUNIZATION AND NATURALIZATION SERVICE (INS)~~     69-202  
UNITED STATES CITIZENSHIP AND IMMIGRATION  
SERVICES (USCIS)

- .1 For purposes of determining eligibility for cash assistance and social services under RRP, a person must provide proof, in the form of documentation issued by the ~~INS~~ USCIS, of one of the following statuses:
  - .11 (Continued)
  - .15 Certified as a victim of a severe form of trafficking by the federal Office of Refugee Resettlement (ORR).
  - .16 Eligible family members of a victim of a severe form of trafficking certified by ORR who have a T-2, T-3, T-4, or T-5 Visa.
  - .157 (Continued)
  - .168 (Continued)
- .2 For purposes of determining eligibility for assistance and social services under RRP, the term “refugee” does not include:
  - .21 Any person with an ~~INS~~ USCIS status of 1) applicant for asylum (as distinguished from a person who has been granted asylum) or 2) Cuban/Haitian Entrant, or 3) Humanitarian/Public Interest Parolee. (Continued)
- .3 Children of Refugees (Continued)
  - .35 Minor refugee children for whom no legal relationship has been established with an adult, shall be referred to the ~~appropriate local county government agency to establish that relationship~~ agency, contracted with by the State to operate the Unaccompanied Refugee Minor Program, to initiate the establishment of legal custody and/or guardianship, as appropriate, in accordance with applicable State law.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 8 U.S.C. 1182(d)(5)(B), ~~and~~ 45 CFR 400.43; The Trafficking Victims Protection Act of 2000 (P.L. 106-386, Sections 107(d), (b)(1), (A), (B), and (C)); Homeland Security Act of 2002 (P.L. 107-296, Sections 451 and 471); and The Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193).

Amend Section 69-205 to read:

69-205 ELIGIBILITY FOR REFUGEE CASH ASSISTANCE (RCA) 69-205  
(Continued)

.2 Eligibility Determination

~~AFDC~~ CalWORKs program forms shall be used for eligibility determination, unless alternate forms are approved by CDSS for use by the CWD. (Continued)

.24 Time-Eligibility

.241 Eligibility for RCA is limited to the number of months required in Section 69-202.41 following the refugee's date of entry in the United States. The month of entry, as indicated on the ~~INS~~ USCIS Form I-94, is counted as the first month. Time-eligibility exceptions to this provision include asylees who are eligible for RCA beginning on the date they are granted asylum, victims of a severe form of trafficking who are eligible for RCA beginning on the date they are certified by the ORR; eligible family members of certified trafficking victims who are eligible for RCA from the date of entry into the U.S. or the date the Derivative T Visa is issued if already present in the U.S.; and unaccompanied refugee minors (Section 69-213) who are not subject to the time-eligibility limitation. (Continued)

(d) The month of arrival, as indicated on the ~~INS~~ USCIS Form I-94, or the month of birth is counted as the first month in determining time-eligibility. (Continued)

.3 (Continued)

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference: Section 10553, Welfare and Institutions Code; 45 CFR 400.55; 45 CFR 400.66; and 45 CFR 400.81(b); The Trafficking Victims Protection Act of 2000 (P.L. 106-386, Sections 107(d), (b)(1), (A), (B), and (C)); Homeland Security Act of 2002 (P.L. 107-296, Sections 451 and 471); and The Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193).

Amend Section 69-207 to read:

69-207      REGISTRATION, EMPLOYMENT AND EMPLOYMENT-DIRECTED      69-207  
EDUCATION/TRAINING REQUIREMENTS

.1      General Requirements (Continued)

.15      The CWD shall refer all nonexempt (see Section ~~69-208.4~~ 207.3 for exempt criteria) RCA applicants and recipients to the local CDSS-funded or CWD-approved project(s) providing employment-directed education/training for refugees. Such training must meet local employers' requirements so as to be likely to lead to employment within the local labor market. CWD referrals shall be accomplished in accordance with instructions and directives issued by CDSS.

.16      (Continued)

.2      EDD Registration Requirements

.21      When it is determined that no available CDSS-funded or CWD-approved project(s) providing employment-directed services can accept the applicant or recipient, the CWD shall refer these nonexempt (see Section 69-207.~~43~~ for exemption criteria) RCA applicants and recipients to EDD for registration. The CWD shall use EDD-approved forms for referral, and clearly indicate on the form that the person is a refugee.

.22      (Continued)

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference:      45 CFR 400.75, .76, .76(a)(7) and (a)(9), .77, and .78; and 45 CFR 400.80(a)(1), (b) and (c).

Amend Section 69-208 to read:

69-208 CAUSE DETERMINATIONS (Continued) 69-208

.2 Conditions Under Which Cause Determination Shall Be Made (Continued)

.24 Failed or refused to comply with the requirements contained in Sections 69-207.12, 69-207.16 and 69-2087.17; or

.25 Failed or refused to comply with the requirements contained in Section 69-207.322.

.3 (Continued)

.4 Good Cause for Failure or Refusal to Meet or Comply with the Registration, Employment and Employment-Directed Education/Training Requirements.

Good cause exists when: (Continued)

1. The individual had other substantial and compelling reasons for failure to meet or comply with the requirements of Section 69-2087.

.5 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; 45 CFR 400.83(a)(2); and Dang, et al. v. McMahon, et al., Alameda County Superior Court, No. 623839-9.



Amend Section 69-209 to read:

69-209      PENALTIES FOR FAILURE OR REFUSAL TO ACCEPT      69-209  
EMPLOYABILITY SERVICES OR EMPLOYMENT (Continued)

- .2    When, without good cause, an employable nonexempt RCA recipient has refused or failed to meet or comply with the requirements of Sections 69-207.1 and .2, and Sections 69-208.~~67~~, ~~.67~~1, and ~~.78~~, the CWD shall deny or terminate assistance.
- .3    Except as provided in Section 69-207.11, a noncomplying recipient shall be ineligible for RCA benefits for three payment months for the first occurrence and six payment months for subsequent occurrences from the date of discontinuance for refusal or failure to comply without good cause. Aid continues to the rest of the assistance unit if the members are otherwise eligible. (Continued)
- .4    Notice of Intended Termination (Continued)
  - .42    The CWD shall provide written procedures in English and in appropriate languages, in accordance with requirements in Section 69-205.~~223~~, for the determination of good cause, the sanctioning of refugees who do not comply with the requirements of the program, and for the filing of appeals by refugees. (Continued)
  - .44    The CWD shall send or provide a written notice in English and a written translated notice, or a verbal translation of the notice, in accordance with Section 69-21~~40~~.1 (Notices), to a refugee at least 10 days before the date upon which the action is to become effective.

Authority Cited: Section 10554, Welfare and Institutions Code.

Reference:        45 CFR 400.54; 45 CFR 400.55; 45 CFR 400.82; 45 CFR 400.83(a)(2); 45 CFR 400.211; and Federal Register dated September 1, 1983, 68 FR 46089.

Amend Section 69-210.22 to read:

69-210      NOTICES AND HEARINGS (Continued)

69-210

.2      Hearings (Continued)

.22      ~~An~~ RCA's benefits may not be terminated prior to completion of final administrative action, but are subject to recovery by the CWD if the action is sustained.

.23      (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference:      Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR Sections 400.54(a) and (b).

Amend Section 69-211.3 to read:

69-211 AID PAYMENTS (Continued)

69-211

- .3 If the CWD is unable to confirm refugee status after checking the individual's documentation, which suggests eligibility, the CWD shall provide cash assistance to the individual verifying refugee status. The CWD shall follow Systematic Alien Verification for Entitlements (SAVE) system procedures for any refugee who presents questionable documentation for eligibility purposes, unless the refugee him/herself chooses to secure the appropriate documentation by contacting ~~INS~~ USCIS directly. If the CWD is not connected to the SAVE system, a G-845 form (Verification Request - Non-SaveAVE agencies) shall be submitted by the CWD to the local ~~INS~~ USCIS office.
- .4 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR 400.52; and 45 CFR 400.66; The Trafficking Victims Protection Act of 2000 (P.L. 106-386, Sections 107(d), (b)(1), (A), (B), and (C)); Homeland Security Act of 2002 (P.L. 107-296, Sections 451 and 471); and The Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193).

Amend Section 69-212 to read:

69-212	OVERPAYMENT/UNDERPAYMENT ADJUSTMENTS AND FRAUD REFERRALS (Continued)	69-212
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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and 45 CFR Section 400.~~52~~49.

Amend Section 69-213 to read:

69-213 UNACCOMPANIED REFUGEE MINORS

69-213

- .1 An unaccompanied refugee minor is a refugee who: (Continued)
  - .12 Is eligible to receive services under the RRP in accordance with MPP Section 69-202.1.
  - .121 Minors who are granted asylum must be reclassified as an unaccompanied refugee minor by the federal Office of Refugee Resettlement (ORR).
  - .122 Minors who are victims of trafficking and any minor family members (children or siblings) do not need to be reclassified but must have a letter from the federal ORR stating they are victims of trafficking.
  - .123 (Continued)
    - .1231 (Continued)
    - .1232 (Continued)
    - .1233 (Continued)
  - .134 (Continued)
- .2 (Continued)
- .3 Procedures for establishing legal responsibility for the unaccompanied refugee minor with an appropriate court, if action by a court is required, shall be initiated by the ~~CWD~~ VOLAG within 30 days after the minor arrives at the location of resettlement. (Continued)
- .5 Placement of unaccompanied refugee minors in foster care shall be made in accordance with ~~Foster Care~~ Child Welfare regulations, Division 301 of the MPP, and eligibility for foster care payments shall be made in accordance with MPP Division 45, Chapter 200.
- .6 In addition to the case planning requirements of Division 301, the ~~CWD~~ VOLAG shall plan for the provision of the following services to unaccompanied refugee minors.
  - .61 Orientation, assessment, and counseling to facilitate the adjustment of the child to American culture; ~~and~~

.62 Preparation for participation in American society with special emphasis on English language instruction and occupational as well as cultural training as necessary to facilitate the child's social integration and to prepare the child for independent living and economic self-sufficiency;

.63 Preservation of the minor's ethnic and religious heritage; and

.634 (Continued)

.6341 The ~~CWD~~ VOLAG shall send to CDSS:

(a) The initial ORR-3 within 30 days of the minor's placement in the ~~county~~ location of resettlement.

(b) (Continued)

.7 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 300, 10553, and 10554, Welfare and Institutions Code; California Probate Code Section 1500; ORR State Letter 02-07 dated March 6, 2000; ORR State Letter 01-13; and 45 CFR ~~Part 400, Subpart H~~ Sections 400.110 - 400.120 - Child Welfare Services.

Amend Section 69-214.6 to read:

69-214      TERMINATION OF AID (Continued)

69-214

.6      A refugee becomes a full-time student in a college program in an institution of higher education, except as provided in Sections 69-205.~~542~~, ~~543~~, and ~~544~~.

.7      (Continued)

Authority Cited:    Sections 10553 and 10554, Welfare and Institutions Code.

Reference:          Sections 10553 and 10554, Welfare and Institutions Code.

Amend Section 69-216 to read:

69-216 CASE RECORDS (Continued)

69-216

- .2 The case record shall include the following information in addition to that required by CalWORKs program regulations:
  - .21 The Passport or Alien Registration Number which appears on the appropriate ~~INS~~ USCIS form. (Continued)
  - .24 A copy of the I-94 and any other ~~INS~~ USCIS documentation that identifies refugee status and date of entry for each refugee in the assistance unit.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and Homeland Security Act of 2002 (P.L. 107-296, Sections 451 and 471).



Amend Section 69-302 to read:

69-302 CUBAN/HAITIAN ENTRANTS STATUS REQUIREMENTS

69-302

Cuban and Haitian entrants with the following statuses are eligible for RRP benefits. (Continued)

- .4 A national of Cuba or Haiti who has an application for asylum pending with the ~~INS~~ USCIS and with respect to whom a final, nonappealable, and legally enforceable order of removal, deportation or exclusion has not been entered.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ 45 CFR 400.66(a); and Homeland Security Act of 2002 (P.L. 107-296, Sections 451 and 471).

Amend Section 69-303 to read:

69-303      TIME-ELIGIBILITY

69-303

Time eligibility for Cuban Haitian Entrant's, including entrant children born in United States resettlement camps, begins with their date of parole (release from ~~INS~~ USCIS custody).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and Homeland Security Act of 2002 (P.L. 107-296, Sections 451 and 471).

Amend Section 69-304 to read:

69-304      TERMINOLOGY

69-304

The term ECA refers to the federally-funded program of cash assistance which is available to Cuban or Haitian Entrants who do not meet the categorical requirements of other state/federal cash assistance programs (CalWORKs or SSI/SSP).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Amend Section 69-305 to read:

69-305      UNACCOMPANIED CUBAN/HAITIAN ENTRANT MINORS      69-305

- .1      An unaccompanied entrant minor is a Cuban/Haitian entrant who:
  - .11      Meets the age requirements of ~~EAS~~ MPP Section 42-101.1; and (Continued)
- .3      Provisions in Sections ~~69-214.4~~ 213.2 through .8, unaccompanied refugee minors, shall apply to unaccompanied entrant minors.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference:      Sections 300, 10553 and 10554, Welfare and Institutions Code; California Probate Code Section 1500; and Cuban/Haitian Entrant Program (45 CFR 401).